

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 1694-01  
Bill No.: HB 764  
Subject: Drugs and Controlled Substances; Family Law; Courts  
Type: Original  
Date: February 23, 2015

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Bill Summary: This proposal establishes family intervention orders for the treatment of an individual who abuses chemical substances.

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
FUND AFFECTED	FY 2016	FY 2017	FY 2018
General Revenue	(Unknown greater than \$100,000)	(Unknown greater than \$100,000)	(Unknown greater than \$100,000)
<b>Total Estimated Net Effect on General Revenue</b>	<b>(Unknown greater than \$100,000)</b>	<b>(Unknown greater than \$100,000)</b>	<b>(Unknown greater than \$100,000)</b>

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
FUND AFFECTED	FY 2016	FY 2017	FY 2018
<b>Total Estimated Net Effect on <u>Other</u> State Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

Numbers within parentheses: ( ) indicate costs or losses.

This fiscal note contains 6 pages.

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2016</b>	<b>FY 2017</b>	<b>FY 2018</b>
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)</b>			
<b>FUND AFFECTED</b>	<b>FY 2016</b>	<b>FY 2017</b>	<b>FY 2018</b>
<b>Total Estimated Net Effect on FTE</b>	<b>0</b>	<b>0</b>	<b>0</b>

Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$100,000 in any of the three fiscal years after implementation of the act.

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2016</b>	<b>FY 2017</b>	<b>FY 2018</b>
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**FISCAL ANALYSIS**

**ASSUMPTION**

**Oversight** was unable to receive some of the agency responses in a timely manner due to the short fiscal note request time. Oversight has presented this fiscal note on the best current information that we have or on prior year information regarding a similar bill. Upon the receipt of agency responses, Oversight will review to determine if an updated fiscal note should be prepared and seek the necessary approval of the chairperson of the Joint Committee on Legislative Research to publish a new fiscal note.

**Oversight** notes in response to similar legislation from 2014 (HB 2059), Oversight reflected costs of up to \$248,955 in FY 2015, and approximately \$140,000 per year thereafter, to the General Revenue Fund. The costs were anticipated for the Department of Social Services, the Department of Health and Senior Services, and the Office of Administration - ITSD. However, due to the differences between the proposals, Oversight assumes the current legislation will have an unknown impact greater than \$100,000.

Officials from the **Joint Committee on Administrative Rules** and the **Office of State Courts Administrator** each assume the proposal would not fiscally impact their respective agencies.

<u>FISCAL IMPACT - State Government</u>	FY 2016 (10 Mo.)	FY 2017	FY 2018
<b>GENERAL REVENUE FUND</b>			
<u>Costs - Various state agencies</u>			
Implementation, personnel and associated costs, IT contact or fees	<u>(Unknown greater than \$100,000)</u>	<u>(Unknown greater than \$100,000)</u>	<u>(Unknown greater than \$100,000)</u>
<b>ESTIMATED NET EFFECT ON THE GENERAL REVENUE FUND</b>	<b><u>(Unknown greater than \$100,000)</u></b>	<b><u>(Unknown greater than \$100,000)</u></b>	<b><u>(Unknown greater than \$100,000)</u></b>
<u>FISCAL IMPACT - Local Government</u>	FY 2016 (10 Mo.)	FY 2017	FY 2018
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

### FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

### FISCAL DESCRIPTION

This proposal changes the laws regarding family intervention orders for the treatment of an individual who abuses chemical substances. In its main provisions, the proposal:

- (1) Requires all reports of abuse or neglect of a child; abuse of a convalescent, nursing, or boarding home resident; or any report of an eligible adult that presents a likelihood of suffering serious physical harm and in need of protective services to include an inquiry of the reporter whether chemical substance abuse may be present. If the reporter is a family member of the alleged abuser and chemical substance abuse may be a factor, he or she must be informed on how to obtain a family intervention order;
- (2) Requires a petition in a dissolution of marriage proceeding to state whether a family intervention order has been entered against either party and specifies the actions the court may take if an order has been entered;
- (3) Requires the court to consider if either or both parties to a custody proceeding have a family intervention order entered against them for chemical substance abuse. Temporary or permanent custody may be considered for any party that does not have a family intervention order entered against them for chemical substance abuse;
- (4) Requires the court to make specific findings of fact showing the custody or visitation schedule ordered by the court best protects the child and the parent or other family or household member if the court finds that a parent or other family or household member is a chemical substance abuser;
- (5) Allows an individual who alleges to have a chemical substance abuser as a member of his or her family or household to petition for a family intervention order. The petition must be filed in the county where the petitioner or respondent resides or where the respondent may be served;
- (6) Requires a hearing on a petition for a family intervention order to be held within 15 days of the filing of the petition unless the court determines upon good cause shown that a continuance should be granted. The court must issue a full family intervention order if the petitioner proves the allegation of chemical substance abuse by a preponderance of the evidence;

FISCAL DESCRIPTION (continued)

(7) Specifies that a family intervention order may be issued or renewed for a period of time the court determines is appropriate, but must be valid for at least 180 days and not more than one year. Upon finding that it is in the best interest of the parties, the court may include an automatic renewal provision in the order unless the respondent requests a hearing by 30 days prior to the expiration of the order;

(8) Specifies the requirements for the service of the petition and full family intervention order on the respondent;

(9) Specifies the minimum requirements for any full family intervention order;

(10) Specifies that if the respondent fails to comply with the requirements of the family intervention order, the court may presume that the respondent is a family chemical substance abuser;

(11) Allows the court to recommend or, with and to the extent of a person's consent, order a petitioner, respondent, or other family or household member to participate in a codependency program Al-Anon, or other similar program in addition to any treatment recommended or ordered for the respondent;

(12) Allows the Department of Social Services to seek financial assistance for loans from any source and through the receipt of any necessary waivers to utilize 1% of any Temporary Assistance for Needy Families funds to provide loans at 6% annual interest for individuals who enter chemical substance abuse treatment and who are uninsured or do not have available financial resources to pay for the treatment. The loan must not exceed the cost of the individual's chemical substance abuse treatment;

(13) Requires, beginning February 1, 2016, and by every February 1 thereafter, the department to file a report with the General Assembly that includes a summary detailing any loans provided under these provisions;

(14) Specifies the forms that must be used for the issuance of family intervention orders;

(15) Requires, subject to appropriations, the department in consultation with the courts, to develop and make available literature regarding family intervention orders. The literature must be available at all state government offices, domestic violence courts, and law enforcement offices and provided upon request to 12-step programs, practicing psychologists and psychiatrists, and other organizations;

FISCAL DESCRIPTION (continued)

(16) Requires, subject to appropriations, the department to implement a public awareness media campaign to inform the public on the availability of family intervention orders; and,

(17) Requires the court to retain jurisdiction over the family intervention order for its entire duration.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Joint Committee on Administrative Rules  
Office of State Courts Administrator



Mickey Wilson, CPA  
Director  
February 23, 2015

Ross Strobe  
Assistant Director  
February 23, 2015